



# City of San Antonio

## Agenda Memorandum

**File Number:**20-5734

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**Agenda Item Number:** 7.

**Agenda Date:** 10/6/2020

**In Control:** Zoning Commission

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**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** 1

**SUBJECT:**

Zoning Case Z-2020-10700157

**SUMMARY:**

**Current Zoning:** "C-2 AHOD" Commercial Airport Hazard Overlay District

**Requested Zoning:** "C-3 AHOD" General Commercial Airport Hazard Overlay District

**BACKGROUND INFORMATION:**

**Zoning Commission Hearing Date:** October 6, 2020

**Case Manager:** Michael Pepe, Planner

**Property Owner:** Leccino LLC

**Applicant:** Richard Lopez

**Location:** 8211 Broadway Street

**Legal Description:** Lot 34, NCB 11875

**Total Acreage:** 0.4941 Acres

**Notices Mailed**

**Owners of Property within 200 feet:** 16

**Registered Neighborhood Associations within 200 feet:** Oak Park Northwood Neighborhood Association

**Applicable Agencies:** None

**Property Details**

**Property History:** The property was annexed in the City of San Antonio by Ordinance 18115 dated September

25, 1952 and was originally zoned “F” Retail District. The subject property converted from “F” Retail District to “C-2” Commercial District with the adoption of the 2001 Unified Development Code, established by Ordinance 93881, dated May 03, 2001.

**Topography:** The property does not include any abnormal physical features such as slope or incursion in a flood plain.

**Adjacent Base Zoning and Land Uses**

**Direction:** North

**Current Base Zoning:** “I-1

**Current Land Uses:** Animal Hospital

**Direction:** East

**Current Base Zoning:** “I-1”, “C-3 CD”

**Current Land Uses:** Restaurant, Car Wash, Auto Shop

**Direction:** West

**Current Base Zoning:** “C-2 S”

**Current Land Uses:** Athletic Training Facility

**Direction:** South

**Current Base Zoning:** “C-2”

**Current Land Uses:** Restaurant

**Overlay and Special District Information:**

"AHOD"

All surrounding properties carry the "AHOD" Airport Hazard Overlay District, due to their proximity to an airport or approach path. The "AHOD" does not restrict permitted uses, but can require additional review of construction plans by both the Development Services Department and the Federal Aviation Administration.

**Transportation**

**Thoroughfare:** Broadway

**Existing Character:** Minor Arterial

**Proposed Changes:** None

**Public Transit:** There are VIA bus routes within walking distance.

**Routes Served:** 9

**Traffic Impact:** A Traffic Impact Analysis is not required; the proposed use does not exceed the minimum threshold.

**Parking Information:** The parking requirement for a tattoo studio is 1 space per 300 square feet.

**ISSUE:**

None.

**ALTERNATIVES:**

**Current:** C-2 districts accommodate community commercial uses, with unlimited building size, and building height limitation of 25 feet. Examples of permitted uses: liquor store, miniature golf and other indoor gaming facilities, small indoor movie theater, pet cemetery, auto & light truck oil, lube & tune-up, auto glass tinting,

tire repair (sale and installation only), gas station, appliance sales & repair, charitable food & clothing banks and dry cleaning. No outdoor storage or display of goods shall be permitted except for outdoor dining

**Proposed:** C-3 districts are intended to provide for more intensive commercial uses than those located within the NC, C-1 or C-2 zoning districts. C-3 uses are typically characterized as regional shopping centers, power centers, and/or assembly of similar uses into a single complex. There are no building size limitations, and building height is limited to 35 feet. Examples of permitted uses: bar/tavern & nightclub, amusement/theme parks, dance hall, indoor movie theater, auto repair, auto sales, auto glass sales (installation permitted), auto muffler (sales and installation only), hotel, bookbinder, dry cleaning or laundry plant, indoor flea market, home improvement center, body piercing/massage/tattoo parlor. No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in 35-510 of the Unified Development Code.

**FISCAL IMPACT:**

None.

**PROXIMITY TO REGIONAL CENTER/PREMIUM TRANSIT CORRIDOR:**

The property is within the Greater Airport Regional Center and it is within a premium transit corridor.

**RECOMMENDATION:**

**Staff Analysis and Recommendation:** Staff recommends Denial, with an Alternate Recommendation for “C-2 CD” Commercial with Conditional Use for a Tattoo Parlor.

**Criteria for Review:** According to Section 35-421, zoning amendments shall be based on the approval criteria below.

**1. Consistency:**

The subject property is located within the San Antonio International Airport Vicinity Plan and is designated as “Business Park” in the future land use plan. The requested “C-3” is consistent with the current land use designation.

**2. Adverse Impacts on Neighboring Lands:**

Staff finds evidence of likely adverse impacts on neighboring lands in relation to this zoning change request. The requested “C-3” would greatly increase potential adverse impacts on adjacent properties and the surrounding neighborhood. The applicant is requesting rezoning of the property for a Tattoo Parlor. This rezoning can be accomplished with a “C-2 CD” Commercial with Conditional Use for a Tattoo Parlor. This will minimize all of the intense commercial uses allowed in the “C-3” district, such as Auto Repair, Bar/Tavern, Laundry-Plant, Air Conditioner - Retail, Tobacco Store, and other similar intense uses.

**3. Suitability as Presently Zoned:**

The current “C-2” Commercial is an appropriate zoning for the property. The proposed “C-3” would not be appropriate for the site or surrounding area. Although there is some “I-1” General Industrial zoning in the area the goal of the underlining land use is “Business Park” land use which supports office and commercial uses.

**4. Health, Safety and Welfare:**

Staff has found indication of likely adverse effects on the public health, safety, or welfare. Potential noise, pollution and heavy truck traffic impacts of “C-3” General Commercial uses could pose a burden on nearby businesses and uses.

**5. Public Policy:**

The proposed rezoning appears to conflict with the following goals, principles, and objectives of the San Antonio International Airport Vicinity Plan:

Land Use Plan Theme:

7) Encouraging compatible commercial uses along corridors that serve the neighborhoods and more intense commercial uses at major intersection nodes

Objective 2.2 Encourage commercial development that respects the integrity of existing residential development

**6. Size of Tract:**

The subject property is 0.4941 acres, which could reasonably accommodate commercial uses.

**7. Other Factors:**

The applicant intends to open a tattoo studio in the existing strip retail center. The owner of the property prefers rezoning the entire property to “C-3” rather than rezoning to “C-2 CD” and providing a site plan.

If the Zoning Commission wants to recommend for “C-2 CD” Commercial District with Conditional Use for Tattoo Parlor the case will need to be continued in order for the applicant to prepare a site plan for consideration.